



THE ATTORNEY GENERAL OF TEXAS

JOHN BEN SHEPPERD
ATTORNEY GENERAL

AUSTIN 11, TEXAS

May 23, 1955

Honorable Allan Shivers
Governor of Texas
Capitol Station
Austin, Texas

Opinion MS-217
Re: Constitutionality
of Senate Bill 161,
54th Legislature,
amending Article
7065b-8, Vernon's
Civil Statutes.

Dear Governor Shivers:

You have requested an opinion on the constitutionality of Senate Bill 161, 54th Legislature, referring in particular to Article III, Section 36 of the Constitution of Texas, which provides:

"No law shall be revived or amended by reference to its title; but in such case the act revived, or the section or sections amended, shall be re-enacted and published at length."

Section 1, amends and publishes at length the provisions of Article 7065b-8 of Vernon's Civil Statutes and, therefore, complies with the provisions of Section 36 of Article III of the Constitution of Texas. Ellison v. Texas Liquor Control Board, 154 S.W.2d 322 (Tex.Civ.App. 1941, error ref.); Attorney General's Opinion MS-215 (1955).

Section 2 amends subdivision (g) of Article 7065b-14 of Vernon's Civil Statutes and publishes the same at length. Therefore, it does not violate the provisions of Section 36 of Article III of the Constitution of Texas. Ellison v. Texas Liquor Control Board, 154 S.W.2d 322 (Tex.Civ.App. 1941, error ref.); Attorney General's Opinion MS-215 (1955).

Section 4 amends subdivision (a) of Article 7065b-14 by adding to its provisions rather than publishing the same at length. In Clark v. Finley, 93 Tex. 177, 54 S.W. 343 (1899), the court held that it was the purpose of Section 36 of Article III to prohibit amending a statute by adding to its provisions without publishing the same at length. It is therefore, our opinion that Section 4 of

Senate Bill 161 is in violation of the provisions of Section 36 of Article III of the Constitution of Texas and is invalid.

It is our opinion that the remainder of Senate Bill 161 is constitutional.

Yours very truly,

APPROVED:

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